

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT  
APPLICATION

Inventor(s): ENGEL et al.

Appln. No.: 08

468,145

Series Code ↑

Serial No. ↑

Filed: June 6, 1995

Hon. Commissioner of Patents  
Washington, D.C. 20231

Sir:

**REPLY/AMENDMENT/LETTER**

Group Art Unit 1645

Examiner: Minnifield

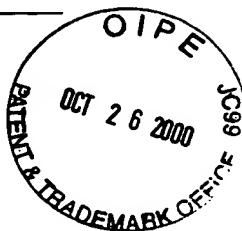
Atty. Dkt. PM 217506

93 116 PH

M#

Client Ref

Appln. Title: Oligopeptide Lyophilisate ...

RECEIVED  
NOV 02 2000

Date: October 26, 2000

FEE CENTER 1600/2900

This is a reply/amendment/letter in the above-identified application and includes the herewith attachment of same date and subject which is incorporated herein by reference and the signature below is treated as the signature to the attachment in absence of a signature thereto.

**FEE REQUIREMENTS FOR CLAIMS AS AMENDED**

1. Small Entity claim		Claims remaining after amendment	Highest number previously paid for	Present Extra	Large/Small Entity	Additional Fee	Fee Code Lg/Sm
A. <input checked="" type="checkbox"/> NOT made	B. <input type="checkbox"/> Withdrawn						
For B & C See <b>Required Separate Paper</b> (Pat-256)							
2. Total Effective Claims		**minus	0	0	x \$18/\$9 =	+ \$0	103/203
3. Independent Claims		***minus	0	0	x \$80/\$40 =	+ \$0	102/202
4. If amendment enters <u>proper</u> multiple dependent claim(s) into this application for <u>first</u> time (leave blank if this is a reissue application) ..... add					+ \$260/\$130 =	+ \$0	104/204
5. Original due Date: August 26, 2000		<input type="checkbox"/> NONE					
6. Petition is hereby made to extend the original due date to cover the date this response is filed for which the requisite fee is attached		(1 mo)	\$110/\$55 =		+ \$390		115/215
		(2 mos)	\$390/\$195 =				116/216
		(3 mos)	\$890/\$445 =				117/217
		(Usable <u>only</u> for ≤ 2mo.OA --- 4 mos)	\$1390/\$695=				118/218
		(Usable <u>only</u> for 30 day/1mo.OA --- 5 mos)	\$1890/\$945=				128/228
7. Enter any previous extension fee paid since above original due date and subtract					- \$0		
8. Extension Fee Attached					+ \$390		
9. If <b>Terminal Disclaimer</b> attached, add Rule 20(d) official fee .....					+ \$110/\$55 =	+ \$0	148/248
10. If iDS attached requires Official Fee, ..... add					+ \$240 =	+ \$0	126
or if Rule 97(d) Petition ..... add					+ \$130 =		122
11. After-Final Request Fee per rules 129(a) and 17(r) .....					+ \$355/710 =	+ \$0	146/246
12. No. of additional inventions for examination per Rule 129(b).....					x \$710/355 ea =	+ \$0	149/249
13. Request for Continued Examination (RCE) .....					+ \$710/355=	+ \$0	1179/1279
14. Petition fee for .....						+ \$0	
15. TOTAL FEE ENCLOSED =						\$390	

15.

16. \*If the entry in this space is less than entry in next space, the "Present Extra" result is "0".

17. \*\*If the "Highest number previously paid for" in this space is less than 20, write "20" in this space.

18. \*\*\*If the "Highest number previously paid for" in this space is less than 3, write "3" in this space.

Our Deposit Account No. 03-3975)

(Our Order No. 11468

217506

C#

M#

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/Order Nos. shown above, for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT **does not authorize** charge of the **issue fee** until/unless an issue fee transmittal sheet is filed.

Query: Is appeal deadline now? If so, file Notice of Appeals separately.

Pillsbury Madison & Sutro LLP  
Intellectual Property Group

By Atty: Ann S. Hobbs

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NOTE: File this cover sheet in duplicate with PTO receipt (PAT-103A) and attachments

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of  
ENGEL et al

Appln. No. 08/468,145

Filed: June 6, 1995

Title: OLIGOPEPTIDE LYOPHILISATE, THEIR PREPARATION AND USE



Group Art Unit: 1645

Examiner: N. Minnifield

October 26, 2000.

RESPONSE

Hon. Commissioner of Patents  
and Trademarks  
Washington, D C. 20231

Sir:

In response to the Office Action issued May 26, 2000 in  
the above-referenced application, please consider the  
following remarks.

10/27/2000 NROCHA1 00000043 08468145

01 FC:116

390.00 OP

REMARKS

Claims 20-23 are under examination. Reconsideration is  
requested.

Claims 20-23 stand rejected under 35 USC § 102(b) or (e)  
as being anticipated by Engel et al. (USP 5,663,145). This  
rejection is traversed for the following reasons.

First, Applicants submit that the '145 patent is not a  
printed publication more than one year prior to the date of the  
present application, and is therefore not a valid reference  
under 35 USC § 102(b). The '145 patent was filed on December  
8, 1994 and issued on September 2, 1997. The present

#28  
(wa)

11/2/00  
Bray

OK  
to  
enter  
11-8-00  
mm